

**HAMILTON COUNTY BOARD OF COMMISSIONERS  
SEPTEMBER 8, 2003**

The Hamilton County Board of Commissioners met on Monday, September 8, 2003 at 1:00 pm in the Commissioner's Courtroom in the Hamilton County Government and Judicial Center, One Hamilton County Square, Noblesville, Indiana. The Commissioners met in Executive Session at 1:00 pm in Conference Room 1A. President Holt called the public meeting to order at 1:47 pm. A quorum was declared present of Commissioner Christine Altman, Commissioner Steven C. Dillinger and Commissioner Steven A. Holt. The Pledge of Allegiance was recited and a moment of silence was held for Governor O'Bannon.

**Approval of Minutes:** [1:48:46]

Dillinger motioned to approve the August 25, 2003 minutes. Altman seconded. Motion carried unanimously.

**Executive Session Memoranda:**

Dillinger motioned to approve the September 8, 2003 Executive Session Memoranda. Altman seconded. Motion carried unanimously.

**Attorney** [1:49:35]

**Superior Boat Dock Lease Contract:**

Mr. Michael Howard requested approval on the Lease Contract for Superior Dock Company dba Abaco Dock and Lift Company for rental of the 4-H Fairground Barns for 2003-2004. Mr. Howard stated the contract is the same as in the past except for paragraph 9, which incorporates recommendations by the Surveyor. Altman motioned to approve. Dillinger seconded. Motion carried unanimously.

**Administrative Assistant** [1:51:18]

**Jury Parking:**

Mr. Fred Swift stated the County has an informal contract with the City of Noblesville allowing jurors to park in the city parking lot. The City of Noblesville is requesting a slight increase in the contract, we currently pay \$500.00 per year and they are requesting an increase to \$750.00 per year. Altman asked if this is within our budget? Mr. Swift stated yes. Altman motioned to approve. Dillinger seconded. Motion carried unanimously.

**Transfer of Funds:**

Mr. Swift requested permission to transfer funds of \$16,000 from Furniture and Fixtures to Office Supplies. Altman motioned to allow Mr. Swift to place it on the Council's agenda for consideration at their next meeting. Dillinger seconded. Motion carried unanimously.

**Fishers Wage Determination Board Appointment:**

Mr. Swift stated the Town of Fishers has requested an appointment for their Wage

Determination Board. Fishers has recommended Christopher Tull. Dillinger motioned to approve. Altman seconded. Motion carried unanimously.

### **Highway Business [1:54:53]**

#### **Road Cut Permits:**

Mr. Jim Neal requested approval of Open Road Cut Permits - 1) RDCUT-2003-037 - Upgrade Excavating at 10137 Marwood Trails Drive West Carmel, Indiana to stub sewer line onto property prior to street paving.

#### **Acceptance of Bonds/Letters of Credit - Highway Department:**

Mr. Neal requested acceptance of Bonds and Letters of Credit for the Highway Department. 1) HCHD#B-03-0102 - Travelers Casualty and Surety Company Permit Bond issued on behalf of Rieth-Riley Construction Co., Inc. in the sum of \$15,000 for work in right of way paving at 126th Street and Shelborne for Carmel Clay Middle School to expire August 20, 2004. 2) HCHD#B-03-0103 - Travelers Casualty and Surety Company Permit Bond issued on behalf of Rieth-Riley Construction Co., Inc. in the sum of \$15,000 for paving at 126th Street and Shelborne Road on 126th Street to expire August 20, 2004. 3) HCHD#B-03-0104 - Merchants Bonding Company Permit Bond No. IN 6921 issued on behalf of Our Lady of Mt. Carmel in the sum of \$5,000 for installation of school zone flashers - dig holes and pour concrete base on 146th Street and Oak Ridge Road to expire August 6, 2004. 4) HCHD #B-03-0105 - Safeco Insurance Company Subdivision Bond No. 6236121 issued on behalf of Centex Homes in the sum of \$41,572.53 for stone base, HAC Binder & Surface, curbs and Street Signs in The Intracoastal at Geist, Section 2A to expire August 8, 2005. 5) HCHD #B-03-0106 - Safeco Insurance Company Subdivision Bond No. 6236125 issued on behalf of Centex Homes in the sum of \$58,783.35 for stone base, HAC Binder & Surface, Curbs and Street Signs in The Intracoastal at Geist, Section 2C to expire August 8, 2005. 6) HCHD #B-03-0107 - Fidelity and Deposit Company Permit Bond No. 8705069 issued on behalf of Meyer & Najem Construction, LLC in the sum of \$10,000 for the West Apron Street Cut approximately 650' east of the intersection of 146th & Hazel Dell Parkway for Riverview Medical Park to expire August 28, 2004. 7) HCHD #B-03-0108 - Fidelity and Deposit Company Permit Bond No. 8705070 issued on behalf of Meyer & Najem Construction, LLC in the sum of \$25,000 for the East Apron and approach lane street cut approximately 1100' east of the intersection of 146th Street and Hazel Dell Parkway to expire August 28, 2004. 8) HCHD #B-03-0109 - Continental Casualty Company Annual Permit Bond No. 929305396 issued on behalf of Michels Corporation in the sum of \$25,000 for utility work within Hamilton County to expire August 28, 2004. 9) HCHD #B-03-0110 - Bond Safeguard Insurance Company Maintenance Bond No. 5001636 issued on behalf of Weihe Construction, Inc. in the sum of \$20,224.40 for curbs in Lakeside Park, Sections 1 and 2 to expire August 29, 2006. 10) HCHD #B-03-0111 - Bond Safeguard Insurance Company Maintenance Bond No. 5001635 issued on behalf of Weihe Construction, Inc. in the sum of \$74,301.40 for asphalt in Lakeside Park, Sections 1 and 2 to expire August 29, 2006. 11) HCHD #B-03-0112 - St. Paul Fire and Marine Insurance Company Permit Bond issued on behalf of Gradex, Inc. in the sum of \$10,000 for sewer crossing, Towne Road, to expire August 26, 2004. Dillinger motioned to approve. Altman seconded. Motion carried unanimously.

### **Agreements & Supplements [1:55:46]**

**Release of Escrow - Strawtown Avenue Project:**

Mr. Neal requested approval of the Release of Escrow for E&B Paving for the Strawtown Avenue Project. Dillinger motioned to approve. Altman seconded. Motion carried unanimously.

**Bridge #262, Utility Agreement:**

Mr. Neal requested approval of Utility Reimbursement Agreement, HCHD #M-03-0033, for Bridge #262. The agreement is between Hamilton County and Vectren Energy in the amount of \$21,544.00, 80% which will be reimbursed. Altman motioned to approve. Dillinger seconded. Motion carried unanimously.

**Subdivision Inspection Agreements [1:56:34]****Feather Cove Subdivision:**

Mr. Neal requested approval of Subdivision Inspection Agreement, A-00-0007, for Feather Cove Subdivision. The agreements are between Hamilton County and Community Development II, Inc. (developer) and EDIS, Inc. (engineer) in the amount of \$1,282.72. Dillinger motioned to approve. Altman seconded. Motion carried unanimously.

**Correspondence [1:57:11]****Bridge #618, Declaration of Emergency:**

Mr. Neal requested approval of the Declaration of Emergency for Bridge #618, Timberbrook Run over Anna Kendall Drain, located in Westfield. The bridge was scheduled for repairs, due to the recent rains the situation has gotten worse and we have had to severely restrict traffic. This is the only ingress/egress to the subdivision and they need to move ahead as quickly as possible. The Highway Department is requesting permission to receive three (3) quotes to complete the work. Altman motioned to approve. Dillinger seconded. Motion carried unanimously.

**Permission to Advertise: [1:58:22]****Bridges #104, #226 & #175 - Right of Way Clearing:**

Mr. Neal requested permission to advertise for Right of Way clearing for Bridges #104, #226 over Jones Ditch and #175 - 146th Street over Mud Creek. Bids are to be opened October 13, 2003. Mr. Howard stated those bridges are going to be advertised in the name of the Surveyor. Mr. Matt Knight stated, due to the size of the project, this contract will not have to be advertised, we can get quotes. Altman motioned to allow the Surveyor to get quotes for this work. Dillinger seconded. Motion carried unanimously.

**Bridge #193 Collapse:**

Mr. Knight reviewed the partial collapse of Bridge #193, 113th Street over Thorpe Creek, east of Ringer Road, suffered a collapse on Tuesday, September 2, 2003. One of the piers settled approximately 2', due to scour underneath it and took the deck with it. The deck cracked and the bridge is unusable. A Sheriff's deputy discovered the situation quickly and we closed the bridge

before any damage was done to vehicles. The road is closed and will remain closed until the bridge can be replaced. This bridge was planned for replacement and the design had been started. USI Consultants is the designer and they are expediting their work to try to get the bid out as soon as possible. Under the best case scenario we will have a hard time replacing it before the end of the year. It will be next Spring before we can open the road. Altman as she understands there is no alternative other than to replace the structure? Mr. Knight stated yes, this is a bridge that was built in the teens, there is not much we can utilize to open it quickly, it is beyond repair. Altman asked if you are going to parallel the acquisition of right of way with the design to the extent that you can? Mr. Knight stated as much as we can. We have a lot of existing right of way, we are going to have to acquire some right of way, especially on the south side. We will contact the property owners and try to work parallel with design.

Cindy Ramsey stated she has concern with Bridge #618, Timberbrooke Run. This is our only in and out bridge and we have a problem with the children getting on and off the bus. The children are now having to stand on SR 32, five times a day. She is not sure who can address that. Holt asked if she has a suggestion of where they can stand? Ms. Ramsey stated no, there is no location for them to stand other than perhaps the restaurant parking lot. Mr. Davis suggested they contact the school's transportation department. Altman asked if there is an alternate location for the Stop? Ms. Ramsey stated they have indicated that they will have the children there five times a day at Timberbrooke Run and SR 32. We have asked the Westfield Police Department to be available at those times, we have gone two days and we have not had a representative of the Police Department. She is looking for suggestions. Altman stated this is not within our jurisdiction, but if you would like one of us to call the transportation department, we could do so as a citizen. Holt stated we can contact INDOT. Ms. Ramsey stated her concern is the timing, which she has been assured that this is fast tracked. Mr. Davis suggested a meeting on site of the school superintendent, INDOT, Westfield Chief of Police and the County.

**Clay Township Trustee: [2:07:26]**

Ms. Judy Hagan stated you may be aware that there has been some discussion in Carmel-Clay Township by some parties about breaking the planning and zoning adjoiner between Clay Township and the City of Carmel. Hopefully that is not going anywhere. Ms. Hagan requested she be informed if anyone on the County level is being contacted about it, that she be notified if there is any agenda item.

Ms. Hagan stated Home Place had some flooding. She would like to see better organization. They were on their own, they were not able to reach anybody who could advise them on how to deal with the flooding. It would have been very helpful to have a clear plan as to who to call first, web site or a phone line. Holt asked if she contacted our Emergency Management? Ms. Hagan stated

not until later in the week. Dillinger asked if he was helpful? Ms. Hagan stated it was helpful then, but on the day of we did not even know that much. The reaction was to call the Surveyor's office or the Commissioners. It was a holiday and we have since learned that we could have called 911. It would have been helpful if there would have been a game plan. Altman stated she has spoken with Judy and we recognized with the July flooding that the county needed a more defined response plan for flooding and in the wintertime we need a more defined response plan for snow. We are incorporating the Surveyor, Highway Department, Sheriff's Department,

Commissioners and EMA to come up with a defined policy and procedure, with phone numbers and try to keep that up to date. We recognize the quandary that everyone was in. We will be meeting and circulating a draft for others to consider.

Holt left the meeting.

#### **Bid Openings [2:10:17]**

##### **Resurface Contract 03-4, Various Roads in Clay Township:**

Mr. Howard opened the bids for Resurface Contract 03-4, Various Roads in Clay Township. Form 96, Bid Bond, Non-Collusion Affidavit and Acknowledgment of Addendum(1) were included unless otherwise specified. 1) Milestone Contractors - \$503,806.00. 2) Grady Brothers - \$475,000.00. 3) Rieth-Riley - \$517,700.00. 4) Calumet Asphalt - \$636,562.84. Acknowledgment of Receipt of Addendum was not apparent. 5) E&B Paving - \$499,185.01. Financial statement is on file at the Highway Department. 6) Shelly & Sands - \$560,579.62. Mr. Howard recommended the bids be forwarded to the Highway Department for review and recommendation later today. Altman motioned to approve. Dillinger seconded. Motion carried unanimously.

##### **Resurface Contract 03-5, Various Roads in Clay and Washington Townships:**

Mr. Howard opened the bids for Resurface Contract 03-5, Various Roads in Clay and Washington Townships. Form 96, Bid Bond, Non-Collusion Affidavit and Acknowledgment of Addendum (1) were included unless otherwise specified. 1) Milestone Contractors - \$643,473.00. 2) Grady Brothers - \$638,728.00. 3) Rieth-Riley - \$676,330.00. 4) E&B Paving - \$622,663.69. Financial Statement on file at Highway Department. 5) Shelly & Sands - \$590,997.93. Mr. Howard recommended the bids be forwarded to the Highway Department for review and recommendation later today. Altman motioned to approve. Dillinger seconded. Motion carried unanimously.

##### **Reserve at Geist - Request for Variance: [2:17:56]**

Mr. Rick Radabaugh, Paul I. Cripe, Inc., stated The Reserve at Geist, Phase 1 is located on the north side of 104th Street approximately ½ mile east of Olivo Road. The total project will contain 79 lots. It falls under the Hamilton County Highway jurisdiction, Hamilton County Surveyor and Noblesville Planning. Mr. Radabaugh stated they are requesting a roadway centerline variance located on Proposal Lane ending the northwest portion of the site. Current county ordinance on centerline radius is 150'. We have two curves on basically an enlarged cul-de-sac of 85'. We have presented this to the school corporation and the fire department and received confirmation from both of them that it satisfies their requirements. Mr. Steve Broermann, Highway Department, stated the centerlines do not meet the county standards but based on the restrictions placed on them by their parcel layout and there are no stub streets from surrounding subdivisions, this is probably the best scenario. It does allow the fire department and school buses to make the necessary turns. Dillinger asked if this is going to be annexed? Mr. Broermann stated not immediately, but within the next 3-4 years it will be annexed into the Town of Fishers. Altman motioned to approve. Dillinger seconded. Altman asked if the 150' falls within a cul-de-sac definition, even though it is a loop? Mr. Broermann stated the 150' is for the street centerline. The way the street is laid out is more of a loop, which does not meet the

centerline radius. It eliminates the cul de sac in the way the street is laid out. Typically there would be a cul de sac there. Mr. Radabaugh stated this allows them to have 10 lots in the area that have a large open space in the center that is outside of the county right of way. There will be grass and trees, no emnities are planned in that area at this time. Motion carried unanimously.

#### **Treesdale Petition to Vacate Right of Way:**

Mr. Paul Rees, 8888 Keystone Crossing, Suite 1200, Indianapolis. Mr. Rees stated Treesdale is a subdivision in western Clay Township approximately ½ mile south of 106th Street and Towne Road. The subdivision is requesting the road be made a private road, primarily in order to provide additional fencing for the horse facility, which is adjacent to the subdivision. They provide therapeutic riding for disabled children. We have appeared at the Carmel Clay Plan Commission and had the plat amended to vacate the street and we are requesting the County vacate the right of way to make this a private street. There has been a request from the highway department for additional right of way off of Towne Road and that has been accomplished. Mr. Neal stated we have not accepted the interior streets into the county system, so by vacating the right of way it becomes private. The City of Carmel does not have a problem with it and they will be annexing the area within a couple of years. Altman motioned to approve. Dillinger seconded. Altman asked if this right of way was created with the subdivision plan, so we have no investment in the right of way? Mr. Neal stated correct and it was built to code. Motion carried unanimously.

#### **Ordinance 9-8-03-A, Vacation of Right of Way:**

Altman motioned to introduce Ordinance 9-8-03-A, Petition to Vacate Right of Way. Dillinger seconded. Motion carried unanimously. Altman motioned to set the Public Hearing for Ordinance 9-8-03-A at the next available public Commissioner's meeting that they can publish notice. Dillinger seconded. Motion carried unanimously.

#### **Plat Approvals [2:26:36]**

#### **Centennial, Section 9:**

#### **Lakeside Park, Sections 1 & 2:**

Mr. Broermann presented plats for Centennial, Section 9, Lakeside Park, Sections 1 & 2 for approval. Altman motioned to approve. Dillinger seconded. Motion carried unanimously.

#### **Request to Advertise [2:27:16]**

Mr. Brad Davis requested permission to advertise for the purchase of vehicles - two crew cab 4x4 pickup trucks, one utility vehicle and one sedan. This is the remainder of our 2003 vehicle purchases. Altman asked if this is in the 2003 budget? Mr. Davis stated yes, if there is a transfer needed they have it from our auction proceeds. Altman asked if you will need an additional? Mr. Davis stated no. Altman motioned to approve. Dillinger seconded. Motion carried unanimously.

#### **Fall Creek over Geist Bridge Funding:**

Mr. Davis stated at the last meeting we discussed the federal aid funding for the Fall

Creek Bridge over Geist. He has met with INDOT. We are back on track to what we thought we were going to be in July. They will be participating on the construction inspections costs. He does not have the agreement from them. It is still scheduled for a September 16th letting.

Dillinger called a recess. [2:29:17]

Dillinger called the meeting back to order. [2:52:54] Dillinger and Altman present. Holt absent.

### **Bid Awards:**

#### **Resurface Contract 03-4:**

Mr. Neal recommended the bid for Resurface Contract 03-4 be awarded to Grady Brothers, Inc. Altman motioned to approve. Dillinger seconded. Motion carried unanimously.

#### **Resurface Contract 03-5:**

Mr. Neal recommended the bid for Resurface Contract 03-5 be awarded to Shelly & Sands, Inc. Altman motioned to approve. Dillinger seconded. Motion carried unanimously.

**Auditor** [2:54:29]

#### **2004 Contracts for Surveyor, Clerk and Sheriff:**

Ms. Mills requested approval of the 2004 Contracts for the Surveyor, Clerk of the Circuit Court and Sheriff. Altman asked how can we sign the contract before we know the budget was adopted? Ms. Mills stated we know what the numbers are. Council has had their public hearing and final adoption is set for September 17th. Ms. Mills asked that they be approved pending final adoption. Altman motioned to approve all three contracts, pending final budget adoption. Dillinger seconded. Motion carried unanimously.

#### **Prosecutor's Public Official Bond:**

Ms. Mills requested acceptance of the Prosecutor's Public Official Bond. Altman motioned to approve. Dillinger seconded. Motion carried unanimously.

#### **Resolution 9-08-03-1, 2004 Cumulative Bridge Fund Levy:**

Ms. Mills requested approval of Resolution 9-08-03-1, 2004 Cumulative Bridge Fund levy at a level equal to \$475,000 for 2003 pay 2004. Altman motioned to approve. Dillinger seconded. Motion carried unanimously.

Holt returned to the meeting.

#### **Liability Trust Claims:** [2:57:17]

Ms. Mills requested approval of Liability Trust Claims: 1) The Hartford - \$1,045.41. Altman motioned to approve. Dillinger seconded. Altman asked if the claims for \$1,000 are investigatory claims? These are typically Tort Claim notices that we have no involvement with and should have no liability with, but it still needs to be investigated by the insurance company.

Mr. Howard stated traditionally if there is nothing there and if they get to him, he will send a letter to the attorney telling them it is not in our right of way, citing the statute and the frivolous lawsuit statute. He is reluctant to not send it to our insurance carrier because they start denying because we have not brought them into the loop. Altman asked Mr. Howard to talk with our carrier, it is consistent, we are spending \$1,000 per claim and they are frivolous. Altman stated at this point we should tell our carrier we are sending the letter for notice, should we be involved we will contact you. Dillinger asked what part would we play in this claim? Mr. Howard stated under the Tort Claim process they are filed and lawyers notice everybody, to make sure he is covered. Under most liability policies we have a duty to inform our carrier immediately, that we have received a claim. The service that investigates these claims for the liability company, does not know a lot about governmental law. Even though there is a letter, there is information presented. These go out immediately and he does not get to them, he needs to do a better job of making sure that letter goes out and talking to the carrier to make sure they will not investigate these. Altman stated we get these all the times and they happen on State highways and they are costing us over \$1,000 a pop. Mr. Howard stated we will get these notices and we will not be able to recover anything for frivolous litigation expenses arising out of a Tort Claim, we may, after a lawsuit is filed, if we have notified them. Holt suggested a form letter might be needed to send with each of these. Mr. Howard stated he has a form letter and sends those out. We probably need to talk to the carrier and see when they will quit doing this. Motion carried unanimously. 2) The Hartford - \$10,000. Altman motioned to approve. Dillinger seconded. Motion carried unanimously. 3) The Hartford - \$26.36. Altman motioned to approve. Dillinger seconded. Motion carried unanimously.

#### **Acceptance of Bonds/Letters of Credit - Drainage Board:**

Ms. Mills requested acceptance of Bonds and Letters of Credit for the Drainage Board. 1) HCDB-2003-00054 - Lexon Insurance Company Subdivision Bond No. 1000653 for Claybourne Sec. 2 erosion control - \$45,580.00. 2) HCDB-2003-00055 - Lexon Insurance Company Subdivision bond No. 1000652 for Claybourne, Sec. 2 storm sewer and subsurface drain - \$322,612.00. 3) HCDB-2003-00056 - Lexon Insurance Company Subdivision Bond No. 1000654 for Claybourne Sec. 2 monuments and markers - \$4,920.00. 4) HCDB-2003-00063 - Gulf Insurance Company Subdivision Bond No. B21879893 for Saddle Creek Sec. 12 - storm sewer, monuments and markers, SSD and erosion control - \$170,888.00. 5) HCDB-2003-00070 - Bond Safeguard Insurance Company Subdivision Performance Bond No. 5006601 for Village of West Clay, Section 9006 A&B erosion control - \$28,000.00. 6) HCDB-2003-00071 - Bond Safeguard Insurance Company Subdivision Performance Bond No. 5006602 for Village of West Clay Sec. 9006 A&B - monuments and markers - \$1,650.00. 7) HCDB-2003-00072 - Bond Safeguard Insurance Company Subdivision Performance Bond No. 5005750 for Village of West Clay Sec. 9006 A&B storm sewers - \$146,164.00. Altman motioned to approve. Dillinger seconded. Motion carried unanimously.

#### **Release of Bonds/Letters of Credit - Drainage Board:**

Ms. Mills requested release of Bonds and Letters of Credit for the Drainage Board. 1) HCDB-L01-014 - Fifth Third Bank Irrevocable Standby Letter of Credit No. SB12994 for Canal Place Sec. 4 erosion control - \$45,000.00. 2) HCDB-L99024 - Fifth Third Bank Irrevocable Standby Letter of Credit No. SB11750 for Canal Place Section 1 erosion control - \$95,000.00. 3) HCDB-L99025 - Fifth Third Bank Irrevocable Standby Letter of Credit No. SB11751 for Canal



Place Section 1 storm sewers - \$347,400.00. 4) HCDB-2003-00026 - Home Federal Irrevocable Standby Letter of Credit No. 99000202111(5) for Shelborne Park Sec. 2 storm sewers - \$61,381.00. 5) HCDB-2003-00334 - Home Federal Irrevocable Standby Letter of Credit No. 99000202111(4) for Shelborne Park Section 2 erosion control - \$13,350.00. Dillinger motioned to approve. Altman seconded. Motion carried unanimously.

**Payroll Claims:**

Ms. Mills requested approval of the Payroll Claims for the period of August 16-30, 2003 to be paid September 12, 2003. Altman motioned to approve. Dillinger seconded. Motion carried unanimously.

**Vendor Claims:**

Ms. Mills requested approval of the Vendor Claims to be paid September 9, 2003. Dillinger motioned to approve. Altman seconded. Motion carried unanimously.

**Community Development Block Grant: [3:04:36]**

Mr. Rick Conner, Chairman Noblesville Housing Authority, stated they have sent out, by certified mail, notices to all the cities and towns within Hamilton County regarding their participation in the Community Development Block Grant. We have also had personal conversations with the elected officials in those communities and explained the program to them. They have until this Friday, September 12, 2003 to opt out of the program. To date we have received no written confirmation from any community wanting to opt out. From our conversations we feel that Carmel and Sheridan will opt out. Carmel believes they are of adequate size that they can make their direct application for these monies. Sheridan has a specific project that they are interested in pursuing and they think the federal funds that they could receive, if they go for it directly, could be far more than they receive as a result of the community development block grant program. The next step is for the Board of Commissioners send a letter, by September 19th, to HUD stating that you want to participate in the Community Development Block Grant Program and that you have, according to HUD rules, sent notices to all of the cities and towns within Hamilton County and list who has opted out and you have authorized the Noblesville Housing Authority to carry on the next steps in terms of the application process and act as the County's agent in this regard. In doing that you are not establishing a relationship with the Noblesville Housing Authority, developing a contract or exchanging any money. This is to keep things moving. Once the letter is sent, we will think about how we can work together and present that at a later date. Altman motioned to authorize the President to sign the letter. Dillinger seconded. Motion carried unanimously. Altman asked if Carmel and Sheridan opt out, can they join the program at a later date? Mr. Dorgan stated they can rejoin in years two and three.

**Washington Township Assessor's Building Lease: [3:09:18]**

Mr. Howard stated the Washington Township Assessor's Building Lease is not yet funded. He received this late Friday afternoon and he has not had a chance to start on it until this morning. There is not a municipal clause that will have to be added. Mr. Howard stated Ms. Ogle will not be here on September 22nd, but he will work with her to get the document ready for the next meeting. Holt asked where is the new location? Ms. Ogle stated on South Park Drive off of

169th Street. Altman asked if you shopped the market? Ms. Ogle stated yes. Ms. Ogle asked about the procedure. The Council told her to come to the Commissioners and get the lease signed, get her figures together and come back to them. Mr. Howard is saying she can not have a valid lease until she has funding. Altman stated the Council is asking that we need to agree with the lease terms and we can sign it subject to Council funding. Ms. Ogle stated even though she may have a signed lease, her additional will be in the 2004 budget, not in 2003? Her lease and all her expenditures will take effect after December 1st. Altman stated she presumes the lease tracks that information. Our execution of the lease, subject to funding, would meet that plan. Mr. Howard stated this is not in her 2004 budget, she needs to get the additional advertised and move forward, at the October meeting. Ms. Mills stated we can go for a resolution in October.

**Benches:** [3:14:42]

Mr. Scott Warner presented a follow-up on the benches the Commissioner's is requesting to be placed in the corridors outside of the courtrooms upstairs. Originally he brought an exact match at a cost of \$6,700 for two benches. Mr. Warner stated he has found another brand at a cost of \$1,902. Dillinger motioned to approve. Altman seconded. Motion carried unanimously.

**Sheriff:**

Sheriff Doug Carter stated the new 4-wheel drive vehicles have arrived and he thanked the Commissioners. He will work with Christine regarding the flooding issue in Clay Township.

**Our Lady of Mount Carmel Sports Association:**

Altman stated she has received a letter from Our Lady of Mount Carmel Sports Association has requested the county declare less than 1 acre of land as surplus. She has spoken with Jim Neal and the Highway Department has received this request. It is excess property and she would request it be placed on next meeting's agenda to declare it as excess property. They want to use it for parking. Mr. Howard stated in the past we have entertained an offer from the purchaser of what they will convey as a minimum bid. We accept their agreement to make a minimum bid offer and then we decide under those terms if we are willing to sell it. Obviously the property does not have great value to anyone except the contiguous property owner. Altman asked if we should contact them? Mr. Howard stated have them make a minimum bid in letter form. Holt suggested they contact Mike Howard.

**Ordinance 9-08-03-B - Personnel Handbook Changes:** [3:20:20]

Mr. Howard presented proposed amendments to the Personnel Handbook for the Commissioner's to review, along with an Executive Summary of the changes. Altman motioned to introduce Ordinance 9-08-03-B, An Ordinance Approving Certain Revisions of the Employee Handbook of Hamilton County. Dillinger seconded. Motion carried unanimously.

**Homeland Security Grant:** [3:25:02]

Altman requested approval of the Homeland Security Grant Application in the amount of \$140,000. The EMA Committee has reviewed the grant application. \$60,000 allocated towards

purchase of interoperable communications system, which will be housed on the Carmel Mobile Command Center with an interlocal agreement stating that the vehicle will be made available county wide, subject to the needs of Carmel. Should that arrangement not work the equipment will come back to the County for redistribution. Sheriff Carter stated the equipment will allow, through technology IP addressing, any type of radio system to be linked together. If we have a multi-county response to a large incident within our community, this equipment will allow those difference systems to operate as one. Altman stated there will be 10 radios associated with that for communication purposes. Holt asked why is it being kept in Carmel? Sheriff Carter stated we have considered purchasing a mobile vehicle that would allow us to work offsite as a satellite communicator. Rather than duplicate that resource we found that Carmel Fire Department had already proposed the purchase of a vehicle. Through conversations we thought we could fund some of the equipment for the vehicle and not duplicate that resource. Altman stated approximately \$40,000 to \$50,000 of the grant money will be used for a unit that will detect and analyze substance threats. The Board of Health has supported that request. The balance of the grant monies will be used for expendable supplies ie: new hazmat suits, etc. She believes we have concurrence of all the jurisdictions for use of the money. Altman recommended the Commissioners endorse the \$140,000 as approved by the EMA Committee on September 4, 2003. Altman stated the second item is that we now have an additional sum of money, approximately \$443,000, that the Committee is in the process of finalizing. That money will be for two additional interoperable machines and radios, one for Hamilton County's Communication Center and one for Noblesville. Carmel is purchasing their own out of their own budget. Another \$120,000 has been earmarked for radiation detectors for all responders in the County. \$60,000 will be for equipping the remote mobile unit with GIS Technology. We feel we have a gem of a GIS System with pictometry. Altman asked it be placed on the September 22nd agenda. Altman motioned to approve the first go-round of the grant monies as approved by the EMA Committee on September 4, 2003, in the amount of \$140,000. Dillinger seconded. Motion carried unanimously.

#### **Flood Costs: [3:32:02]**

Dillinger asked Bob Hendericks to give a report on the flooding and the reporting to FEMA. He would like to know what the total damage was, what we have applied for and why did we not apply for it in July. Mr. Hendericks presented a summary of the July flood with total costs of \$164,910.18 turned in to him. The threshold, to qualify for FEMA assistance, is based on population and a rate of \$2.71 per person, which is established by FEMA. We would have had to reach a total loss of \$495,225.40. Dillinger asked if we should submit it anyway? Mr. Hendericks stated he did, the explanation he received was that it was not a high enough figure to qualify. Altman stated this was discussed at the EMA Committee meeting. It was a determination of the group that when we have such an emergency we don't have the numbers that come in on a timely basis. The billings come in on a deferred basis. We believe we should submit an application for federal funding based on estimates, based upon readily available information. If we over estimate we would not qualify on the final numbers. There seems to be some concern that we applied in a timely manner and we had enough money. As long as we timely applied for assistance with good estimates, we need time to regroup and our departments need time to regroup and they don't respond, Bob now knows to go after the departments and make estimates for them. Dillinger stated there are no costs listed for the Sheriff, did you not have any overtime or flood related expenses in July? Sheriff Carter stated no, there was a briefing prior to each shift

and it did not cause us to keep people over. Mr. Hendericks stated for the September event he has received information from the City of Noblesville, County Parks Department. He has not received information from the Highway Department. Mr. Davis stated he did e-mail the information late this morning. The highway department's estimate was \$625,000. The Park's Department's loss was \$168,200 and Noblesville's was \$30,118. Altman asked what is the deadline for application from this incident? Mr. Hendericks stated the quicker we get some estimate in, the quicker they compile it and include Hamilton County. If there is a declaration, then there is a 30 day deadline. Altman asked if it is our declaration or the State's? Mr. Hendericks stated it is the State's declaration, we need to be included in that. It is imperative that we get figures in that would cause them to want to include us in that declaration. Mr. Hendericks stated we were included in individual assistance, not public assistance. There has been no public assistance thus far. It takes longer to get public assistance information in. Altman asked if our deadline is 30 days from when the Governor declared? Mr. Hendericks stated when the President declares, we have 30 days after that to get our final information in. Altman asked if the President declared in July? Mr. Hendericks stated yes, in July. Altman asked if you can amend numbers once they have been submitted? Mr. Hendericks stated yes. Altman asked if we have more damages than the \$496,000 we would qualify? Mr. Hendericks stated yes. Altman stated maybe you need to recalculate the estimates from July. Mr. Hendericks stated we can not revise those numbers after we pass the 30 day deadline. Mr. Hendericks stated we don't know the cutoff of this event yet, it has not been declared yet. We know they are calling on a regular basis asking for loss figures so they know if Hamilton County was hurt bad enough to be included in the request. Holt asked if the Timbrooke is included in Highway's numbers? Mr. Davis stated no, he will include it. Altman asked Mr. Hendericks to put together a communique that is very specific for everyone that would be related with flood issues, so they know exactly what they should declare, estimate, not estimate and what the time lines are.

Dillinger motioned to adjourn. Altman seconded. Motion carried unanimously. [3:43:46]

### **Commissioner's Correspondence**

Hamilton County Local Emergency Proclamation  
Fishers, Indiana Local Emergency Proclamation  
Ordinance 08-19-03-A, Copy Ordinance  
September 2003 4-H Fairgrounds Calendar

City of Noblesville Notice of Public Hearing:

Noble West Planned Development

IDEM Notice of Appeal Rights:

The Refuge, Sections 1A & 1B - Carmel  
Mitchener Ditch Interceptor - Carmel  
Kroger Plaza - Fishers  
The Intracoastal at Geist, Sections 2A, 2B & 2C - Fishers  
Radiant Christian Life Church - Westfield  
Cherry Tree Meadows, Sections 3 & 4 - Noblesville  
Avalon of Fishers, Section One - Fishers

IDEM Notice of Decision - Approval:

Indiana Ductile, LLC  
ExxonMobil Oil Corporation

**Present**

Christine Altman, Commissioner  
Steven C. Dillinger, Commissioner  
Steven A. Holt, Commissioner  
Robin M. Mills, Auditor  
Kim Rauch, Administrative Assistant to Auditor  
Fred Swift, Administrative Assistant to Commissioners  
Michael A. Howard, Attorney  
Doug Carter, Sheriff  
Brad Davis, Highway Director  
Jim Neal, Highway Engineer  
Virginia Hughes, Administrative Assistant to Highway Engineer  
Patricia Ogden, Highway Public Service Representative  
Dave Lucas, Highway Inspector  
Robert Chadwell, Highway Inspector  
Steve Broermann, Highway Technical Engineer  
Mark Fisher, Highway Technical Engineer  
Christopher Burt, Highway Staff Engineer  
Tim Knapp, Highway Right-of-Way Specialist  
Joel Thurman, Highway Project Engineer  
Matt Knight, Highway Staff Engineer  
Mike McBride, Small Structure Staff Engineer  
Faraz Hahn, Highway Department  
Kathy Howard, Highway Department  
Cindy Ramsey, Timberbrook Run Bridge  
Becki Wise, USI  
Denny Neidigh, EDIS  
Floyd Burroughs, FEB&A  
Judy Hagan, Carmel Clay Trustee  
George Piper, Noblesville Daily Times  
Diana Lamirand, Noblesville Ledger  
Rick Conner, Noblesville Housing Authority  
Troy Halsell, Noblesville Housing Authority  
John Dorgan, HUD  
Jerolyn Ogle, Washington Township Assessor  
Scott Warner, Buildings & Grounds  
Rick Radabaugh, Paul I. Cripe, Inc.  
Paul Rees, Treesdale Variance